

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

FOLARIN HENRY ALABI,

Petitioner,

v.

DEPARTMENT OF HOMELAND
SECURITY, *et.al.*,

Respondents.

Case No. 20-CIV-419-Raw

ORDER

On November 19, 2020, Petitioner, appearing *pro se*, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [Doc. No. 1] asking to be released from custody. On March 5, 2021, respondents filed a Motion to Dismiss [Doc. 9] requesting that the court dismiss the claims of Petitioner as moot.

When the petition was filed, Petitioner was in custody of Department of Homeland Security at the Moore Detention Center in Okmulgee, OK awaiting deportation by the United States Immigration and Customs Enforcement ("ICE").

Based upon the response and supplementary documentation, the court finds that Immigration and Customs Enforcement ("ICE") made the determination to release Petitioner from custody pending his removal from the United States [Doc. 9, Ex.1] and Petitioner was issued an Order of Supervision and released from custody.

Accordingly, any 28 U.S.C. § 2241 petition is rendered moot, where the relief Petitioner requests is no longer available and cannot be redressed by a favorable judicial decision. *Riley v. INS*, 310 F.3d 1253, 1257 (10th Cir. 2002). Additionally, the record does not reflect any allegations of the exceptions to the mootness doctrine, so as to require the court

to undertake review of these exceptions. *Id.* at 1256-57. In his habeas petition, Petitioner sought release from ICE custody and he has been released.

Accordingly, there is no longer a live case or controversy under Article III of the United States Constitution and the petitioner should be dismissed for lack of jurisdiction. *Riley v. INS*, 310 F.3d at 1257; *In re Scruggs*, 392F.3d 124, 128 (5th Cir. 2004); *Truong Ly Van v. Gonzales*, 2007 WL 275976, at *2.

The Respondents' motion [Docket No. 9] is granted and the Petition for Writ of Habeas Corpus [Docket No. 1] is dismissed without prejudice for lack of jurisdiction based on mootness. The Motion for Appointment of Counsel and Motion for Extension of Time [Doc. 8] is deemed moot.

ORDERED this 27th day of September, 2021.



HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA